

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

GREYHOUND LINES, INC.,

Plaintiff,

VS.

ROBERT WADE, et al.,

Defendants.

8:02CV191

ORDER

This matter is before the court on the APPEAL [201] filed by the plaintiff as to the Clerk's denial of plaintiff's Bill of Costs without prejudice, pending the Eighth Circuit's resolution of defendants' appeal of the final judgment.

The Clerk took that action as the result of the parties' agreement to stay enforcement of the judgment pursuant to Fed. R. Civ. P. 62(d) pending disposition of defendants' appeal to the Eighth Circuit. See Filings 194 & 195. The court subsequently approved a supersedeas bond in the amount of \$150,000, which the parties agree is sufficient to satisfy the amount of the judgment, taxable costs, estimated post-judgment interest (calculated in accordance with 28 U.S.C. § 1961) and estimated taxable costs of the appeal. The defendants did not file any objection to plaintiff's Bill of Costs.

In light of these developments, it appears that the parties anticipated or agreed that the Clerk should enter a taxation of costs in this case as requested by the plaintiff, but that enforcement would be stayed until defendants' appeal is resolved.

IT THEREFORE IS ORDERED that plaintiff's APPEAL [201] is granted as follows:

1. The Taxation of Costs [196] filed on March 29, 2006 is vacated.
2. The Clerk is directed to reconsider plaintiff's Bill of Costs [191] and enter a taxation of costs in favor of the plaintiff.

DATED April 19, 2006.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge